

WEATHER—FAIR; HIGH WINDS.

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The



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JUDGE HOLLISTER,
Who Decided Against the Fighters.

KENNEDY DECISION MAY FREE MOLINEUX

Justice Fursman Excludes Handwriting Experts' Testimony as Incompetent in Fixing Crime.

The decision of Justice Fursman in the Kennedy case today practically knocks the bottom out of the famous Molineux case now before the Court of Appeals in this State.

The importance of this decision, if it is good law and holds, cannot be underestimated. It will practically exclude in great criminal cases hereafter the testimony of handwriting experts.

Justice Fursman made his decision when the prosecutor in the Kennedy case sought to prove by handwriting experts that the body of the Dolly Reynolds check and the words "E. Maxwell and wife" were written by Dr. Kennedy.

The defense objected and Justice Fursman sustained the objection. His opinion briefly condensed is this: That the Dolly Reynolds check and the paper on which were written the words "E. Maxwell and wife" were not issues in the case and only bits of evidence, and bits of evidence cannot be compared for the purpose of establishing handwriting.

The address on the poison package in the Molineux case, therefore, holds the same relation to that case as does the "Dolly" Reynolds check to the Kennedy case. This is the opinion of lawyers high up in criminal practice.

One lawyer connected with the prosecution said: "Don't quote me, but there is nothing left of the Molineux case."

Weeks Planned.
Hartow S. Weeks, who conducted the defense in the Molineux case, was jubilant over Justice Fursman's decision. He was in court listening. He said:

"This means Molineux's freedom. This decision will prove a most important one. If it is good law all the handwriting experts will be excluded from the Molineux case, and that means acquittal."

Justice Fursman is regarded as being the soundest Judge in criminal practice. He has the remarkable record of never having had any of his decisions reversed. To Lawyer Moore, who unearched this question of law which has so upset criminal practice, there is also a lot of credit due.

Sensational, Says Le Barbier.
When asked for his opinion Charles Le Barbier, Assistant District Attorney, said that as the Molineux case was now before the Court of Appeals it would be improper for him to speak of the bearing of the decision on it.

When asked, however, if in general it would not practically do away with the testimony of handwriting experts, which of late years has grown to such dimensions, he said he believed it would.

"Except in cases of forgery," he said, "the handwriting experts might as well not be called. It is hard to overestimate the importance of the ruling. It is sensational. It is a great decision and I have the highest opinion of it."

HANDWRITING EXPERTS BARRED.

Strongest Point Yet Scored in Dolly Reynolds Murder Trial.

The defense in the trial of Dr. Kennedy for the murder of Dolly Reynolds scored another point today when Justice Fursman decided that William

Kinsley, the handwriting expert, was not competent to testify that the writing on the check found on the body of the dead woman was that of Kennedy's, because the expert was not familiar with the dentist's handwriting, only through signatures.

The disappearance of the witness Melville is not now such a black eye for the defense. He could not prove any more than Dr. Lederle did yesterday. By Dr. Lederle it was proven that the piece of lead pipe and iron bar alleged to have been found in the Kennedy cellar were not the same as composed the budget.

Charles McKelvey, who kept a drug store at New Dorp in 1888, was the first witness. Last year he was a witness for the defense. He identified prescriptions which Dr. Kennedy had done up at his store, written on pads of the sort on which the words "E. Maxwell and wife" were written.

Dr. Lederle then recalled. He testified to making photographic copies of letters and checks. Among the latter was the famous \$12.60 "Dolly" Reynolds check.

Defense Scores Point.
William Kinsley, handwriting expert, was shown the various exhibits in the case and said he had examined all of them.

"Have you compared the body of the Dolly Reynolds check and other handwriting of the defendant and can you state whose hand wrote the body of that check?" he was asked.

Here Mr. Cantwell made his objection as to the incompetency of the testimony. The contention was that the expert was not familiar enough with the handwriting of the defendant, except through signatures on checks, to make a comparison with the disputed check of Maxwell paper.

"I hold that this evidence is not competent," said the Justice, and thus another point was scored by the defense.

The Justice's Ruling.
Justice Fursman had gone into this subject of expert handwriting very deeply, expecting that such a question would arise. He quoted from authorities and gave his own opinion, lengthy, learned and convincing.

"The Dolly Reynolds check is not an issue in this case," he said. "It is simply a bit of evidence by which you seek to convict this man of murder. A comparison, therefore, can only be made between a writing which is the subject of action or is an issue and the standard set up as genuine."

"The question in this case is, 'Did the defendant kill Dolly Reynolds?' That's the thing in dispute. That's the only controversy in the case. The pad and check are evidences upon that question."

"Experts cannot make a comparison by setting together bits of evidence. I sustain the objection."

"But, Your Honor," said Mr. McIntyre, "we want to establish that the body of this check was in the handwriting of the defendant, and thus establish a motive."

Experts Barred.
"Then you must establish the handwriting on this check and pad by handwriting experts," he said.

(Continued on Second Page.)
The working man gets much, the thinking man gets more. (Continued on Second Page.)

JUDGE STOPS BIG MILL! "FIGHT IN A MONTH"

—W. A. BRADY.

ENGINE SMASHED BUILDING

Jumped the Tracks and Dashed Into Front of Structure.

The amazing antics of Engine No. 5, hitherto a staid, respectable freight "dumpty," upset all Hudson street this afternoon.

Engineer Kirkland was running a train of five cars down to the New York Central's depot and had reached the Beach street crossing. At North Moore street, the crossing below, the track ends, meeting away into the cobblestones, with no buffer to hinder a vagrant train.

As Kirkland pulled the throttle to come to a full stop something broke. The old engine leaped ahead like mad.

Trucks were grouped in double rows along the track. The unexpected rush of the train scattered them in a wild scramble.

One driver, Thomas Dermody, was hurled from his seat and had his right shoulder injured. Several horses were cut and injured.

As the train was made up the locomotive was at the rear. The freight car in the lead took a fairly straight course down the center of Hudson street till it passed North Moore.

Then it swerved to the left and crashed into the big plate-glass front of the Captive Preserve Company's building, first carrying away the heavy wooden awning that extended across the sidewalk.

The building is new, two stories high and is at the Hudson street corner. The front of it was smashed and the car fast wedged in between ceiling and floor.

The upper floor will have to be shored up. Three of the freight cars were thrown off their tracks.

Engineer Kirkland explained the strange affair by saying that a rod connecting the throttle was suddenly broken.

New President of Chicago Gas.
The directors of the People's Gaslight and Coke Company of Chicago, at a meeting here yesterday, elected George O. Knapp, of Chicago, President, in place of C. K. G. Billings. Mr. Billings was made Chairman of the Board of Directors, with general supervision over the management.

REV. KELLER A LITTLE BETTER

But Arlington Preacher Is Depressed Over Loss of Sight.

The Rev. John Keller, who was shot by Thomas G. Barker at Arlington, N. J., passed a better night and today was somewhat improved.

His doctors are alarmed, however, at the fact that he is terribly depressed over the fear that he will be totally blind if he lives.

The doctors say today that if his condition remains as it is for the next two days the chances are for recovery. The bulletin issued by the doctors says:

"The Rev. John Keller has passed a comfortable night. He is much depressed from the prognosis made known to him by his attendants yesterday regarding the ultimate recovery of his vision. Should his physical condition continue to improve as it has for the past few days his recovery can be assured."

WIFE GETS DECREE AGAINST LECTURER J. L. STODDARD

BOSTON, Feb. 14.—In the Middlesex County Court today Judge J. L. Stoddard granted a decree nisi to Mary H. Stoddard against John L. Stoddard, the well-known lecturer.

The Judge also gave her the custody of their child during his minority. The charge was desertion and Mr. Stoddard did not contest the case.

GEORGE GOULD A DIRECTOR IN RIO GRANDE.

George J. Gould was today elected a director of the Denver and Rio Grande railroad, succeeding J. Lawrence Welsh, of Philadelphia, who resigned. Mr. Gould's election to the Board was a foregone conclusion, inasmuch as that effect having been made a few days ago.

NATIONALISTS WANT KING'S ADDRESS AMENDED.

The Irish Nationalists held a session this afternoon, under the chairmanship of John Redmond, and decided to move amendments to the King's address on questions regarding compulsory land purchase, Irish administration, the South African war and Catholic universities.

WINNERS AT NEW ORLEANS.

FIFTH RACE: 1st, Martha; 2nd, Edna; 3rd, Clara.

WEYLER COMMANDS TROOPS AT MADRID.

City Under Martial Law and Resignation of Spanish Ministry Looked For.

WASHINGTON, Feb. 14.—It is learned here that owing to the inability of the civil government of the province of Madrid to maintain public order, full authority in the province has been turned over to Capt. Gen. Weyler.

CLYDE LINER AFIRE AT SEA.

Half Day After Leaving Her Flames Swept Comanche.

The Clyde Line Steamship Company this afternoon received a despatch from Charleston, S. C., telling that the steamship Comanche took fire at sea at 4 o'clock Wednesday morning, after she had been out of port for twelve hours.

The entire workweek around the engine-room was burned out. She carried 165 passengers, but they were not panicked. Many of them turned in and helped extinguish the fire.

It burned fiercely for a while and fears were entertained that it might spread, but by hard work it was confined to the area in which it started. A high wind was blowing at the time, which rendered the work difficult and dangerous. The staterooms near the engines were burned out. Mrs. J. C. Bach, of Bridgeport, who occupied one of them, was slightly burned. Capt. Bennington telegraphed that the steamer reached Charleston this afternoon and then proceeded to Jacksonville.

Brady Has Hopes of Bringing Off the Battle in Another State— Judge's Opinion a Bit Tender One.

(Special to The Evening World.)
CINCINNATI, Feb. 14.—William A. Brady says he will bring the Jeffries-Ruhlin fight off within a month. He told an Evening World reporter so today after the announcement of Judge Hollister's decision.

"The fight will take place all right within a month, but I can't tell where just now."

CINCINNATI, Feb. 14.—An injunction against the big fight was granted today by Judge Hollister, in the Court of Common Pleas. The fight will be declared off as far as Cincinnati is concerned.

No official announcement was made immediately, but the Saengerfest promoters have signified their intention of not fighting further in the courts.

Where or when the fight will take place, if at all, Manager Brady could not tell. He had a plan though, for holding it within a month.

The manager of Jeffries would not tell where this hope springs from. Judge Hollister did not announce his decision until after noon. The Court House had been crowded to suffocation three hours before, and speculation as to the verdict was evenly divided. The fate of the fight, hanging on this point, was a matter of heated argument among the waiting and impatient throng.

To the Evening World staff, correspondent Manager Brady said before the decision was rendered that if an injunction were granted the fight would be declared off, so far as Cincinnati is concerned, and off for a month as a general incident, but not where.

If an injunction were not granted the situation was up to the Saengerfest directors for postponement or to be ordered on to-morrow night.

Judge Hollister's Opinion.
When Judge Hollister began reading his opinion there was a hush like that which precedes the sentence of a murderer. It was exhaustive and began by considering the standing of the promoters of the affair.

Passing to the merits of the case, Judge Hollister distinctly complimented the directors of the Saengerfest for their previous attempts to raise funds to wipe out the deficit of \$15,000.

The fight scheme was declared illegal because it was not held by the Saengerfest or Convention Hall Company, with whom the contract was made by Brady.

The court found that the original Marquis of Queensberry rules were to govern the contest, according to Madden for his testimony.

Not a "Bosung" Contest.
It was pointed out that the Corporation Counsel advised the Mayor that he had a right only to grant a permit after assuring himself that the affair was not a prize-fight. The decision in the Sullivan fight was cited as defining a prize-fight, including a limited contest.

The Mayor was warned, Judge Hollister held, that the Jeffries-Ruhlin affair would be a prize-fight according to the terms of contract.

Madden Is Scored.
Judge Hollister assumed complete jurisdiction in the matter against the claim of the defense that a court of equity had no jurisdiction in the matter. According to the Judge, Madden's evident insincerity on the stand was responsible for the opinion that the fight would not be contested without brutality.

"The use of gloves does not take away from such contests their brutality," said his Honor.

Mayor Fleischmann was excoriated for agreeing virtually to become the referee to determine the result of a prize fight, and assuming that the police had supreme authority under the license he had granted.

The Saengerfest directors were scored not for organizing a concern to conduct a "barbaric, gladiatorial contest."

"The Mayor and these gentlemen," said Judge Hollister, "are bonded together to commit a crime. The Court's duty is to enjoin them."

Commenting on the decision, Manager Brady said: "The allegations of Judge Hollister as to the character of the people who attend such contests betray ignorance if nothing worse. The Judge said nothing but honest truths. Confidence men, burglars, pickpockets and other crooks in his alleged crowd."

The very force with which he dwelt on this point must appear ridiculous to men who know from experience what

MORGAN BUYS GOLD TO PAY CARNEGIE?

Belief that Banker Will Pay Out \$25,000,000 To-morrow.



Is Andrew Carnegie to receive \$25,000,000 in cash he demands for his interests in the Carnegie Company?

By buying foreign money a saving is effected, besides preventing the stringency in Wall street which the sudden withdrawal of \$25,000,000 would cause.

Money closed this afternoon at 2 per cent, a normal rate. It was said this afternoon that the new trust would be operated on practically the same plans as were adopted by the Federal Steel Company.

such a gathering really is. It was an assumption pure and simple, and like other points in his decision entirely outside the evidence.

'FRISCO DOESN'T WANT BIG FIGHT.

Matchmaker Kennedy Will Not Bid for Jeffries and Ruhlin.

(Special to The Evening World.)
SAN FRANCISCO, Cal., Feb. 14.—All my dates are filled, and it would be impossible for me to take an offer for the Jeffries-Ruhlin contest.

J. C. KENNEDY.
The above is a response to a telegram sent by The Evening World to James C. Kennedy, who is now in Frisco, acting as the matchmaker of the Twentieth Century A. C. of that city.

CONTAGION IN THE AIR.
The weekly report of the Board of Health for the week ending Feb. 2 shows another increase in the number of contagious diseases of twenty-six.

The principal diseases were diphtheria, 21 cases; pertussis, 22 cases, and scarlet fever, 33 cases. Small-pox increased nearly five fold, there being fifty cases, as compared with Jan. 26, when there were eleven cases.

Traced through laundry mark.

Articles Stolen from a Boarding-House Found in Svoboda's Room.

Mrs. Jennie Bryan, who keeps a boarding-house at 214 Warren street, Jersey City, recently complained to the police that her place had been robbed of \$19 in cash and three ladies' gold watches, one gentleman's watch and chain, three box charms, one pearl necklace, one diamond brooch, one pair of opera-glasses and a travelling bag all worth \$20. She also said that Jacob Svoboda, one of her boarders, was missing.

Detective Daniel Lee visited Mrs. Bryan's house, and found one of Svoboda's collars, on which was the laundry mark, "98 W. 31st St., N. Y.," through which he traced him to 119 West Thirty-fourth street. Svoboda was in his room, and much of Mrs. Bryan's missing property was found.

Svoboda was a snellbinder in the recent campaign for the Republican party and mingled with the big men of the Union League Club of Jersey City.